



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/048,164

05/06/2002

Shinobu Kuriya

217870US6PCT

4373

22850

7590

11/28/2006

C. IRVIN MCCLELLAND

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,164

Applicant(s)

KURIYA ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 19-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 19-23 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 July 2006 has been entered.

2. In response to the previous office action, Applicant has amended claim 17, 23, and 29; cancelled claims 18 and 24; and added claim 30. Claims 17, 19-23, and 25-30 have been examined.

Claim Objections

3. Claim 30 is objected to because of the following informalities: The first line recites the term "apparatus f claim". It is being presumed that the "f" should be "of." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 19-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Publication No. 00/08909 to Dorak et al. in view of U.S. Patent No. 6,272,537 to Kekic et al. further in view of U.S. Patent No. 6,229,538 to McIntyre et al.

Regarding claims 17, 19, 20, 22, 23, 25, 26, 28, and 29, Dorak discloses a system wherein a clearinghouse (the information providing apparatus) communicates (transmits and receives information) with an end-user device (the device). See p. 16, lines 6-13. The end-user device is authenticated by the Electronic Content Digital Store. See p.28, lines 19-25. Usage conditions are stored in the Electronic Content Digital Store, which has an updating unit for adding to or narrowing usage conditions. See p. 25, lines 2-5 and p. 27, lines 1-11. Usage conditions and information are received during a purchase transaction from the end-user device. See p. 30, lines 5-17.

Dorak does not describe the user interface at the information providing apparatus.

Kekic discloses the display of the status of clients of a server on the server (see column 14, lines 22-29) and content information (see column 23, lines 27-50),

displaying information in a hierarchical (tree) representation. Kekic's modification displays the status of network clients and content in real-time, device information would therefore be updated based upon device information received. Kekic further suggests that this is done to allow network managers to manage a growing network of heterogeneous elements (see column 4, lines 58-64).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dorak by implementing Kekic's user interface on the information processing apparatus (i.e. the server), to allow network managers to manage a growing network of heterogeneous elements.

Dorak and Kekic do not address the subject of how device information should be displayed for various connection states.

McIntyre discloses a system for using different icons (device and content information) to portray ports, depending upon their connection status (see abstract), as it improves network efficiency and fault tolerance of a network in a practical and cost effective manner (see column 1, lines 60-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dorak and Kekic by using different icons (device and content information) to portray ports, depending upon their connection status, as disclosed by McIntyre, as it improves network efficiency and fault tolerance of a network in a practical and cost effective manner.

Regarding claims 21 and 27, the usage conditions control display of the content and permit operation of the content.

Allowable Subject Matter

5. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: None of the art cited above suggests a feature wherein previously stored content information is displayed in the event of a lost connection. The closest art that might suggest such a functionality, U.S. Patent No. 6,363,411 to Dugan et al., discloses the maintaining of such information in an NMS-type database, but does not provide for the portraying of content information in a manner analogous to the other cited art.

Response to Arguments

7. Applicant's arguments, see Remarks, filed 27 July 2006, with respect to the rejection(s) of claim(s) 17 et al. under 35 U.S.C. 103 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McIntyre.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached at (571) 272-3799.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/048,164
Art Unit: 2134

Page 7

MEH *MEH*

November 20, 2006

Gilberto Jr
GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100